



WIRELESS CABLE ASSOCIATION INTERNATIONAL, INC.
1140 Connecticut Avenue, NW * Suite 810 * Washington, DC 20036 *
(202) 452-7823 * Fax (202) 452-0041 *

October 8, 1996

RECEIVED

OCT 8 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

VIA HAND DELIVERY

DOCKET FILE COPY ORIGINAL

Mr. William F. Caton
Secretary
Federal Communications Commission
1919 M St., N.W., Room 222
Washington, D.C. 20554

Re: Comments in Support of the Petitions for
Reconsideration in ET Docket No. 93-62

Dear Mr. Caton:

Enclosed herewith for filing are an original and 11 copies of the Wireless Cable Association International's Comments in Support of the Petitions for Reconsideration that were filed by the Electromagnetic Energy Association and the American Radio Relay League in response to the Report and Order in ET Docket No. 93-62.

Please acknowledge receipt on the supplemental copy provided, and remit same to the bearer.

Sincerely,

A handwritten signature in cursive script that reads 'Andrew Kreis'.

Andrew Kreis
Vice President & General Counsel

Enclosures

No. of Copies rec'd
LIST ABOVE

211

RECEIVED

OCT 8 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C 20554

In the Matter of)
)
Guidelines for Evaluating the) ET Docket No. 93-62
Environmental Effects of)
Radiofrequency Radiation)

COMMENTS IN SUPPORT

The Wireless Cable Association International, Inc. ("WCA") hereby submits these comments in general support of the Petitions for Reconsideration filed by the Electromagnetic Energy Association ("EEA") and the American Radio Relay League ("the League") in response to the *Report and Order* in this proceeding issued on August 1, 1996.

WCA, the trade association of the wireless cable industry, shares with EEA and the League the opinion that the Commission must preempt all non-federal radiofrequency ("RF") radiation exposure regulations that are more restrictive than those adopted by the Commission. As consumers seek the benefits of competition, a single national standard is the only practical and fair way to regulate RF exposures.

To summarize relevant legal background: Congress sought in Sec. 704 of the Telecommunications Act of 1996 ("The Act") to

ensure that state or local government or instrumentalities would "not unreasonably discriminate among providers of functionally equivalent services" and "not prohibit or have the effect of prohibiting the provision of personal wireless services." (Sec. 704 (a) (B) (i) (I-II)).

As argued by both EEA and the League, the Commission's *Report and Order* unreasonably discriminates among providers of functionally equivalent services. As Congress indicated by passage of Sec. 704, preemption is both legally justified and necessary to implement important policy objectives of fostering communications industry competition.

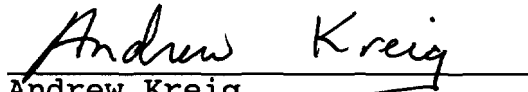
The Commission stated that its standards are "based on the best scientific thought and are sufficient to protect the public health." (*Report and Order* at Paragraph 168). Multipoint Distribution Service ("MDS") and Instructional Television Fixed Service ("ITFS") providers offer services in the 2 GHz band proximate to those designated for preemption of non-Federal RF regulation. The Commission has no record before it that RF exposures from equivalent services have any different health or safety impact, and therefore should be subject to a crazy-quilt pattern of varied RF emission requirements imposed by different localities invoking scientific theories different from the Commission's.

Thus, the Commission has no rational basis to distinguish its preemption scope among similar services, especially in view of the highly adverse and discriminatory impact such a judgment would have

upon the provision of telecommunications options to the public.

For the reasons stated above, WCA respectfully urges the Commission to preempt RF regulation by state and local government and instrumentalities that conflicts with the Commission's well-founded regulations for all FCC-authorized RF transmissions facilities.

Respectfully submitted,



Andrew Kreig
Vice President & General Counsel
1140 Connecticut Ave., N.W., Suite 810
Washington, D.C. 20036
(202) 452-7823

October 8, 1996